

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEWIS COLLEGE OF BUSINESS, INC.,

Plaintiff,

v.

Case No. 07-CV-13509

THE HIGHER LEARNING COMMISSION,

Defendant.

ORDER DETAILING PARTIES' AGREEMENT

On September 18, 2007, the parties in the above-captioned matter convened for what was to be a hearing on Plaintiff Lewis College of Business, Inc.'s "Motion for Preliminary Injunction." Prior to the commencement of the hearing, the parties informed the court that they had reached an agreement. Pursuant to the parties' agreement, which was read into the record, it is the court's understanding that Defendant The Higher Learning Commission will present to its board a proposal that would allow Plaintiff to apply for accreditation as a new institution as of January 1, 2008. The court was informed that Defendant's board would vote on the proposal and a decision would likely be reached by September 28, 2007.

The court appreciates Defendant's assurance that, in considering and voting upon matters related to Plaintiff, it will act in a fair manner and in good faith, without

taking into account the parties' prior history.¹ Defendant makes no guarantee regarding whether the board will accept the proposal, or how it might ultimately rule on Plaintiff's application for accreditation. Defendant did, however, indicate that its Executive Director will recommend to the board that the resolution be passed.²

It is the court's further understanding that, should Defendant's board pass the resolution,³ this action will be dismissed, with each party bearing its own costs. In the event that the board does not pass the resolution, Plaintiff is free to continue pursuing the instant litigation. Accordingly,

IT IS ORDERED that the court will initiate a conference call with the parties' counsel on **September 28, 2007 at 10:00 a.m.**, at which time the parties shall update the court regarding the board's determination.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 19, 2007

¹As Defendant's counsel pointed out, and the court acknowledges, it cannot be expected that the board members that have interacted with Plaintiff in the past can erase from their minds their recollections and opinions concerning such interactions. Nevertheless, Defendant pledges to undertake the process of evaluating Plaintiff in good faith and to give Plaintiff a "fresh new start."

²The court notes that the withdrawal of Plaintiff's accreditation continues to proceed, regardless of how the board votes on the proposal in question.

³In the event that the resolution is passed, the court is informed that a determination on Plaintiff's application for accreditation may take anywhere from several months to up to two years.

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 19, 2007, by electronic and/or ordinary mail.

s/Lisa G. Wagner

Case Manager and Deputy Clerk
(313) 234-5522